



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Land Use Review Division

Urban Planning Division

DATE: May 5, 2021

TO: Permit Holders of Temporary Outdoor Dining Permits Issued Under City COVID Policies

RE: Expiration of Temporary Outdoor Dining Permits

To Temporary Dining Permit Holders:

Throughout much of 2020 and into early 2021 the City of Colorado Springs issued temporary outdoor dining permits under relaxed policies and procedures in response to the global COVID pandemic. These permits allowed restaurants, bars and breweries to continue to serve customers in outdoor seating areas while indoor capacity was prohibited or severely limited. Specifically, Temporary Use Permits were issued to allow temporary conversion of private property for outdoor dining while Revocable Permits were issued to allow temporary conversion of public property for outdoor dining. We recognize the importance of our restaurants, bar, and breweries as well as the challenges you were facing during the COVID pandemic and therefore approvals were issued with no permit fees and parking regulations were not implemented. However, all approved permits were issued an approval letter that contained the following provision: *"Should State or County health restrictions on indoor occupancy be lifted prior to October of 2021, the City will issue a 30 day notice before revoking approved permits."*

On Friday, April 16, 2021 the State of Colorado lifted the vast majority of restrictions on indoor dining, and while local municipalities can apply their own restrictions, to date no additional regulations have been implemented in Colorado Springs. As such, this letter serves as your 30-day notice of permit expiration. Please note the following options for your temporary outdoor dining areas:

- Remove temporary outdoor dining areas and restore the area to pre-approval condition by June 5, 2021.
- Apply for a new temporary use permit and/or revocable permit under the City's standard procedures and requirements.
 - Temporary Use application for use of private property found here:
https://coloradosprings.gov/sites/default/files/temp_use_permit-2017.pdf
 - Revocable Permit application for use of public right-of-way found here:
https://coloradosprings.gov/sites/default/files/2017_surface_application.pdf

As before, all permit holders must continue to coordinate with the City Clerk's Office regarding liquor license issues, as well as with the Fire Marshal's Office, the County Health Department, and Pikes Peak Regional Building to make sure that all facilities and operations are following local requirements. Potential concerns include:

- Previously approved temporary liquor premise modifications are set to expire October 31, 2021; action will be required to extend liquor licenses past that date. Please note that if you would like to make a previously approved temporary modification permanent, you will be required to submit a **new** application through the City Clerk's Office
- Many temporary structures (e.g. tents, greenhouses, etc.) used for dining were granted temporary approval by the Fire Marshal's office; retention of those structures may need a building permit through the Pikes Peak Regional Building Department to continue use.
- Retail Food Licenses issued by the County Health Department are based on seating occupancy; updates may be required for businesses that request extension of outdoor dining area approval.
- Building code considers seating capacity when determining bathroom fixture needs; retaining outdoor dining areas could necessitate additional bathroom fixture requirements.

Again, we understand the challenges that the restaurant and hospitality industry continues to face and we want to work with you toward ongoing success. Please let us know within the next 30 days whether you'd like to renew your permits or whether you plan to remove your temporary outdoor dining areas.

If you have any questions regarding this issue please contact me at Ryan.Tefertiller@coloradosprings.gov or at (719) 385-5382.

Sincerely,

Ryan Tefertiller

Ryan Tefertiller, AICP
Planning Manager